

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

JANET JACOBS,)
v. Plaintiff,) No. 4:10-cv-151-TWP-WGH
T.G. MISSOURI,)
Defendant.)

Entry and Order Directing Dismissal of Action

"[A] plaintiff can plead himself out of court by alleging facts which show that he has no claim." *Jackson v. Marion County*, 66 F.3d 151, 153 (7th Cir. 1995). That is the case here, inasmuch as the discrimination complaint of Janet Jacobs shows on its face that the action was not filed within the ninety-day period following her receipt of a right to sue notice from the EEOC. That deadline is established in 42 U.S.C. § 2000e-5(f)(1), and the plaintiff has not come forward to defend the timeliness of her filing.

Based on the foregoing, the defendant's unopposed motion to dismiss (dkt 13) is **granted**. Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 01/12/2011



Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana